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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,313	08/30/2001	Ryan Patrick Fong	10012952-1	2187

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

TANG, KAREN C

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/944,313	<b>Applicant(s)</b> FONG ET AL.	
	<b>Examiner</b> Karen C. Tang	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/30/01</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- This action is responsive to the amendment and remarks file on 7/25/05.
- Claims 1-20 are presented for further examination and added claims 21-40 are presented for examination.
- The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-4, 6-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Rowley et al hereinafter Rowley (US 2003/0009754).

1. Referring to Claims 1 and 8, Rowley discloses

a computer network to facilitate the intelligent deployment of one or more data processing systems (refer to 0002 and 0011, and 0101), comprising:

one or more data processing systems to be intelligently deployed (supervisory process control, refer to 0011);

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one or more reference data processing systems containing deployment information (management information system, refer to 0011 and 0148);

a means for transmission capable of conveying said deployment information to said one or more data processing systems (transmit information, refer to 0011 and 0141);

a dedicated data process system containing deployment information copied from said one or more reference data processing systems (refer to 0121, 0122 and 0143 - 0148), wherein said dedicated data processing system conveys to said one or more data processing systems over said means for transmission a package of deployment information selected from said deployment information (refer to 0040), which is based on said deployment information that was captured (refer to 0038), upon receiving a command from a user (refer to 0037 and 0046 and 0141).

2. Referring to Claims 2, 9, and 15, Rowley discloses wherein said deployment information in said memory is stored on a dedicated data processing system connected to a computer network (0053, 0054, 0102 and 0143, 0151, and, 0156).

3. Referring to Claim 3, Rowley discloses wherein capturing said deployment information includes refreshing said deployment information (refer to 0009, 0053, 0054, and 0094).

4. Referring to Claims 4, 10 and 16, Rowley discloses wherein capturing said deployment information includes referencing deployment information stored from a previous instance of deployment of one or more data processing systems (0011, 0047, 0063).

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5. Referring to Claims 6 and 12, Rowley discloses wherein said deployment information includes a hardware portion of a configuration and a remaining portion of said configuration, and said intelligently deploying can update said hardware portion of said configuration on a data processing system of said one or more data processing systems before software image deployment, without destructively modifying said remaining portion of said configuration of said one or more data processing systems (refer to 0039, 0046, 0088-0091 and 0143-0149).

6. Referring to Claims 7 and 13, Rowley discloses wherein said deployment information includes a hardware portion of a configuration and a remaining portion of said configuration, and said intelligently deploying can update said hardware portion of said configuration on a data processing system of said one or more data processing systems that has already been configured without destructively modifying said remaining portion of said configuration of said one or more data processing systems (refer to 0049, 0046, 0088-0091 and 0143-0149).

7. Referring to Claim 14, Rowley discloses a computer program (refer to 0011) embodied on electronically-readable media (it is inherent that computer consists a electronically-readable media, refer to 0006), containing instructions to facilitate the deployment of one or more data processing systems (0046-0047), comprising:

a program code segment to capture deployment information from a reference data processing system to deploy on said one or more data processing systems (refer to 0061-0089), wherein said deployment information is stored in a memory (0053, 0054, 0102 and 0143, 0151, and, 0156) a program code segment to select said one or more data processing systems (refer to 0051); a

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program code segment to select a package of said deployment information to be deployed on said one or more data processing systems (refer to 0046-0051 and 0101-0103, and 0144); and a program code segment to intelligently deploy said one or more data processing systems upon receiving a command from a user (refer to 0046 and 0073, 0144), including program code to reference said package of said deployment information that is stored (refer to 0102) in said memory (it is inherent that computer consists an electronically-readable memory, refer to 0006).

8. Referring to Claim 17, Rowley discloses wherein said program code segment to select one or more data processing systems to be included in said one or more data processing systems is executed on a data processing system coupled to a network of data processing systems (refer to 0051).

9. Referring to Claim 18, Rowley discloses wherein said program code segment to select a package of said deployment information to be deployed on said one or more data processing systems is executed on a data processing system coupled to a network of data processing systems (refer to 0046-0051 and 0101-0103, and 0144).

10. Referring to Claim 19, Rowley discloses wherein said program code segment to intelligently deploy said one or more data processing systems upon receiving a command from a user interacts with a network of data processing systems (refer to 0046 and 0073, 0144).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley et al hereinafter Rowley (US 2003/0009754) in view of "Official Notice".

1. Referring to Claims 5 and 11, Rowley discloses operating system information (refer to 0131), application software package information (refer to 0063), user setting (refer to 0042), and configuration information system (refer to 0046).

Rowley does not expressly indicates disk drive partitions, disk drive settings, disk array controller settings, PCI device settings, non-PCI device settings, firmware settings, fixed code settings.

Official Notice is taken that the limitations narrowed by this claim are consider obvious and furthermore a matter of design choice.

III. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley et al hereinafter Rowley (US 2003/0009754) in view of Zoltan (US 6,529,917).

1. Referring to Claim 20, Rowley discloses the information are stored (refer to 0102) and a computer is being used (it is inherent that computer consists an electronically-readable memory, refer to 0006)

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Rowley discloses does not disclose wherein said electronically-readable memory is a non-volatile memory selected from the group of non-volatile memories consisting of: a magnetic disk drive, a magneto-optic disk drive, a floppy diskette, a compact disc, and a flash memory.

Zoltan (US 6,529,917) discloses electronically-readable memory is a non-volatile memory selected from the group of non-volatile memories consisting of: a magnetic disk drive, a magneto-optic disk drive, a floppy diskette, a compact disc, and a flash memory (refer to Col 9, Lines 60-65 and Col 10, Lines 1-25).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Rowley and Zoltan.

The suggestion/motivation for doing so would have been that once the power is shut, the data store on the external device would not be lost, for convenience's purpose.

IV. Claim 21-28, 30, 31, 32, 33, 34, 35, 37, 38, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley et al hereinafter Rowley (US 2003/0009754) in view of Fleming (US 20030070065)

1. Referring to Claims 21-26, 32, 33, 39 and 40, Rowley discloses customized capture, where result in the capture of selected hardware configuration, base software, or incremental capture of the reference data processing system (refer to 0074-0079).

Rowley does not expressly indicate the default image capture where it will result in an automatic image capture of all hardware configuration and base software images in the reference data processing system.



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Fleming discloses indicate the default image capture where it will result in an automatic image capture of all hardware configuration and base software images in the reference data processing system (refer to 0019).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Fowley and Fleming because both inventions indicate the need to configurate the system enable operate the proper functionality.

The suggestion/motivation would have been that Rowley indicate that the developer specifies the functionality and control of the application, and provides the user the ability to config the system. It provides the convenience for user to remember the previous configuration settling for trouble shooting purpose in case of the system faulture after the user alter the configuration system.

27. Referring to Claims 27 and 34, Rowley discloses a method for deploying at least one target data processing systems, comprising:

selecting a reference data processing system; specifying, by a user, capture information from the reference data processing system, wherein said capture information includes a name, description and destination (refer to 0011, 0012, 0038, 0037, 0046, 0074-0079, 0141, 0135-0143);

capturing the image from the reference data processing system after selecting an image capture option;

selecting said one or more target data processing systems (refer to 0074-0079);

deploying the captured one or more target data processing systems based upon a selected deployment option (0074-0079).

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Rowley does not expressly indicate the capture information is image data.

Fleming discloses indicate the default image capture where it will result in an automatic image capture of all hardware configuration and base software images in the reference data processing system (refer to 0019).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Fowley and Fleming because both inventions indicate the need to configurate the system enable operate the proper functionality.

The suggestion/motivation would have been that Rowley indicate that the developer specifies the functionality and control of the application, and provides the user the ability to config the system. It provides the convenience for user to remember the previous configuration settling for trouble shooting purpose in case of the system failure after the user alter the configuration system.

28. Referring to Claims 28 and 35, Rowley discloses refreshing capture information (refer to 0009, 0053, 0054, and 0094).

30. Referring to Claims 30 and 37, Rowley discloses wherein said deployment information includes a hardware potion of a configuration and a remaining portion of said configuration, and said intelligently deploying can update said hardware portion of said configuration on a data processing system of said one or more data processing systems before software image deployment, without destructively modifying said remaining portion of said configuration of said one or more data processing systems (refer to 0039, 0046, 0088-0091 and 0143-0149).

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Rowley does not expressly indicate the image data.

Fleming discloses indicate the default image capture where it will result in an automatic image capture of all hardware configuration and base software images in the reference data processing system (refer to 0019).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Fowley and Fleming because both inventions indicate the need to configurate the system enable operate the proper functionality.

The suggestion/motivation would have been that Rowley indicate that the developer specifies the functionality and control of the application, and provides the user the ability to config the system. It provides the convenience for user to remember the previous configuration settling for trouble shooting purpose in case of the system failure after the user alter the configuration system.

31. Referring to Claims 31 and 38, Rowley discloses wherein said deployment information includes a hardware portion of a configuration and a remaining portion of said configuration, and said intelligently deploying can update said hardware portion of said configuration on a data processing system of said one or more data processing systems that has already been configured without destructively modifying said remaining portion of said configuration of said one or more data processing systems (refer to 0049, 0046, 0088-0091 and 0143-0149).

Rowley does not expressly indicate the image data.

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Fleming discloses indicate the default image capture where it will result in an automatic image capture of all hardware configuration and base software images in the reference data processing system (refer to 0019).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Fowley and Fleming because both inventions indicate the need to configurate the system enable operate the proper functionality.

The suggestion/motivation would have been that Rowley indicate that the developer specifies the functionality and control of the application, and provides the user the ability to config the system. It provides the convenience for user to remember the previous configuration settling for trouble shooting purpose in case of the system faulture after the user alter the configuration system.

IV. Claims 29 and 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley et al hereinafter Rowley (US 2003/0009754) in view of Fleming (US 20030070065) in further view of "Official Notice".

29. 1. Referring to Claims 29 and 36, Rowley discloses operating system information (refer to 0131), application software package information (refer to 0063), user setting (refer to 0042), and configuration information system (refer to 0046).

Rowley and Fleming do not expressly indicates disk drive partitions, disk drive settings, disk array controller settings, PCI device settings, non-PCI device settings, firmware settings, fixed code settings.

Official Notice is taken that the limitations narrowed by this claim are consider obvious and furthermore a matter of design choice.

### ***Response to Arguments***

Applicant's arguments filed 7/25/2005 have been fully considered but they are not persuasive.

1) In the remark, the applicant argued that 1) Rowley does not specifically discloses a data processing system upon receiving a command from a user. 2) Request to provide a reference to support the "Official Notice".

2) Examiner respectfully traverse the argument: 1) Rowley discloses "a user can "configure" the system the physical PC/system" (refer to 0046 and 0094) which examiner is suppose to interprets the claims language to the broadest possible way, that configuration is equivalent to a command that user enter to the system, that reads on the claim language. 2) According to Applicant's Summit Prior Art, that the system can be configured with the parameters listed by the REMBO Technology SARL, Pages 13-16, 39-43, 45-51, 53-56, 78-79, 83-87, 98, 99, 129, and 141, also, Examiner believe according to the claimed language, that as long as any of the information are presented within the reference, the reference can reads on the claim language because Applicants states that ANY one of the group of information is selected since the language "OR" is being used.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT

Karen Tang

10/4/05

  
**ZARNI MAUNG**  
**SUPERVISORY PATENT EXAMINER**